

BERTRAND D. RIDGEWAY, EXECUTOR.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS
TRANSMITTING A COPY OF THE FINDINGS OF THE COURT IN
THE CASE OF BERTRAND D. RIDGEWAY, EXECUTOR OF LIND-
SAY RIDGEWAY, DECEASED, AGAINST THE UNITED STATES.

FEBRUARY 25, 1904.—Referred to the Committee on Claims and ordered to be printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, February 24, 1904.

SIR: Pursuant to the order of the court I transmit herewith a certified copy of the findings of fact filed by the court in the aforesaid cause, which case was referred to this court by the resolution of the Senate of the United States, under the act of March 3, 1887, known as the Tucker Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk-Court of Claims.

HON. WILLIAM P. FRYE,
President of the Senate pro tempore.

[Court of Claims. Congressional, No. 172. Lindsay Ridgeway v. The United States.]

This case, being a claim for supplies or stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion, the court, on a preliminary inquiry, finds that Lindsay Ridgeway, the person alleged to have furnished such supplies or stores, or from whom the same are alleged to have been taken, was loyal to the Government of the United States throughout said war.

Filed May 28, 1888.

BY THE COURT.

[Court of Claims. Congressional, Nos. 172 and 10094, consolidated. Bertrand D. Ridgeway executor of Lindsay Ridgeway, deceased, v. The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case, No. 10094, for the use and occupation by the military forces of the United States of the lands of Lindsay Ridgeway, deceased, and for the value of fruit trees, wood, and personal property alleged to have been taken therefrom by the military forces for their use or destroyed by them during the late war for the suppression of the rebellion, was transmitted to the court by resolution of the Senate, dated March 14, 1900, under the act of March 3, 1887, known as the Tucker Act.

On a preliminary inquiry, had in No. 172, the court on the 28th day of May, 1888, found the said Lindsay Ridgeway to have been loyal to the Government of the United States throughout said war.

The case was submitted on its merits on the 21st day of January, 1904. Franklin H. Mackey, esq., appeared for claimant and the Attorney-General, by Felix Brannigan, esq., his assistant and under his direction, appeared for the defense and protection of the interests of the United States.

The claimant in his petition makes the following allegations:

That claimant, Bertrand D. Ridgeway, is the executor of Lindsay Ridgeway, deceased. That on the 1st day of January, A. D. 1861, and for several years continuously thereafter, said Lindsay Ridgeway was the sole owner of a certain farm consisting of about 240 acres, situate in the county of Sangamon, in the State of Illinois. That a considerable portion of said farm was in a high state of cultivation, well wooded as to other parts, and having thereon an extensive orchard of well-bearing apple trees; that some fields were covered with grasses; that he had, likewise, a number of hogs on said farm; that the said defendants, through its officers, agents, and soldiers, on or about the 5th day of June, A. D. 1862, took exclusive possession of 160 acres of said farm, and continued the same from said time last above mentioned during the remainder of said year, 1862, during the entire years 1863 and 1864 and until the 15th day of August, 1865. That during the times and years above mentioned the United States took possession of other parts of said farm for the purpose of drilling troops thereon to the great damage of the same, and appropriated and used apples, corn, and hay, and permanently injured the trees of said apple orchard, and cut down and appropriated a large number of other trees growing on said farm, and damaged said farm by the digging of wells and sinks thereon; all to the damage of petitioner, \$13,000.

The court, upon the evidence, and after considering the briefs and arguments of counsel on both sides, makes the following

FINDINGS OF FACT.

I. During the war for the suppression of the rebellion, to wit, from January 5, 1863, to August 15, 1865, the military forces of the United States, used and occupied for military purposes, the farm belonging to claimant's decedent, situated near Springfield, in the State of Illinois. The reasonable rental value for said use and occupation for the time stated being the sum of one thousand six hundred and fifty dollars (\$1,650), for which no payment appears to have been made.

II. The evidence establishes to the satisfaction of the court that whatever property was taken (not by way of depredation) and used by the troops of the United States, whether of hay, corn, timber, rails, or hogs, has been paid for.

BY THE COURT.

Filed February 9, 1904.

A true copy.

Test this 20th day of February, 1904.

[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.